

EXHIBIT E



REQUEST FOR JUDICIAL INTERVENTION

Richmond Supreme COURT, COUNTY OF Richmond

Index No: 150575/2020

Date Index Issued: 03/19/2020

For Court Use Only:**CAPTION**

Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

JOSEPH GERALDI

-against- Plaintiff(s)/Petitioner(s)

DOLLAR TREE STORE, DOLLAR TREE STORE, INC

Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RJI Filed Date

NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.**COMMERCIAL**

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- ☐ Contract
- ☐ Insurance (where insurance company is a party, except arbitration)
- ☐ UCC (includes sales and negotiable instruments)
- ☐ Other Commercial (specify): _____

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.

REAL PROPERTY: Specify how many properties the application includes: _____

- ☐ Condemnation
- ☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial
- Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
- ☐ Tax Foreclosure
- ☐ Other Real Property (specify): _____

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]
- ☐ Emergency Medical Treatment
- ☐ Habeas Corpus
- ☐ Local Court Appeal
- ☐ Mechanic's Lien
- ☐ Name Change
- ☐ Pistol Permit Revocation Hearing
- ☐ Sale or Finance of Religious/Not-for-Profit Property
- ☐ Other (specify): _____

MATRIMONIAL

- ☐ Contested
- NOTE:** If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum (UCS-840M)**.
- For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (**UD-13**).

TORTS

- ☐ Asbestos
- ☐ Child Victims Act
- ☐ Environmental (specify): _____
- ☐ Medical, Dental, or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability (specify): _____
- ☒ Other Negligence (specify): Negligence
- ☐ Other Professional Malpractice (specify): _____
- ☐ Other Tort (specify): _____

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see **NOTE** in **COMMERCIAL** section]
- ☐ CPLR Article 78 (Body or Officer)
- ☐ Election Law
- ☐ Extreme Risk Protection Order
- ☐ MHL Article 9.60 (Kendra's Law)
- ☐ MHL Article 10 (Sex Offender Confinement-Initial)
- ☐ MHL Article 10 (Sex Offender Confinement-Review)
- ☐ MHL Article 81 (Guardianship)
- ☐ Other Mental Hygiene (specify): _____
- ☐ Other Special Proceeding (specify): _____

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, date filed: <u>03/19/2020</u>
Has a summons and complaint or summons with notice been served?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, date served: <u>05/07/2020</u>
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION: Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
- ☐ Extreme Risk Protection Order Application
- ☐ Note of Issue/Certificate of Readiness
- ☐ Notice of Medical, Dental, or Podiatric Malpractice
- ☐ Notice of Motion
- ☐ Notice of Petition
- ☐ Order to Show Cause
- ☐ Other Ex Parte Application
- ☐ Poor Person Application
- ☒ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☐ Other (specify): _____

Date Issue Joined: _____

Relief Requested: _____ Return Date: _____

Relief Requested: _____ Return Date: _____

Relief Requested: _____ Return Date: _____

Relief Requested: _____

RELATED CASES: List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES: For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Un-Rep	Parties	Attorneys and/or Unrepresented Litigants	Issue Joined	Insurance
	List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant; 3 rd party plaintiff, etc.)	For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: GERALDI, JOSEPH Role(s): Plaintiff/Petitioner	JASON HERBERT, KRENTSEL & GUZMAN LLP, 17 BATTERY PL STE 604 , NEW YORK, NY 10004, jherbert@kglawteam.com	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: DOLLAR TREE STORE Role(s): Defendant/Respondent	GARY SMITH, Schnader Harrison Segal & Lewi, 140 Broadway, Suite 3100 , New York, NY 10005, gsmith@schnader.com	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: DOLLAR TREE STORE, INC Role(s): Defendant/Respondent	GARY SMITH, Schnader Harrison Segal & Lewi, 140 Broadway, Suite 3100 , New York, NY 10005, gsmith@schnader.com	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 06/09/2020

JASON TODD HERBERT

Signature

4458295

Attorney Registration Number

JASON TODD HERBERT

Print Name

This form was generated by NYSCEF

**Richmond Supreme Court
Justice Kim Dollard
IAS Part 4
26 Central Avenue, Courtroom 330
Staten Island, New York 10301
718 675-7840**

Jul 15, 2020

**SCHNADER, HARRISON, SEGAL & LEWIS
140 BROADWAY, SUITE 3100
NEW YORK, NY
10005**

**Re: Index No. 0150575/2020
GERALDI, JOSEPH
-vs- DOLLAR TREE STORE**

Dear Sir/Madam:

Please be advised that an NON-APPEARANCE PRELIMINARY CONFERENCE has been scheduled with regard to the above captioned matter and you are directed to:

- **Complete and efile a Proposed Preliminary Conference Order on or before August 10, 2020;**
- **The Court reserves the right to edit any Proposed Preliminary Conference Order to conform with Section 202 of the Uniform Civil Rules for the Supreme Court of Richmond County;**
- **Further compliance conference dates will be set by the Court and will be reflected in the signed e-filed order once it is reviewed. On this compliance conference date attorneys will not personally appear before the Court nor will receive an email to appear via Skype. Attorneys shall only e -file the completed Compliance Order. (This rule only applies to the first compliance conference, thereafter the Court may notify attorneys to appear via Skype)**
- **Due to virtual court operations, it is imperative that each attorney provide their valid email used for Skype for Business should the Court require a virtual conference (see page 1 of the Proposed Preliminary Conference Order);**

Thank you for your professionalism and cooperation with this matter.

**Very truly yours
E. Thomas
Associate Court Clerk**

**Richmond Supreme Court
Justice Kim Dollard
IAS Part 4
26 Central Avenue, Courtroom 330
Staten Island, New York 10301
718 675-7840**

Jul 15, 2020

**KRENTSEL & GUZMAN, LLP
17 BATTERY PLACE, STE. 604
NEW YORK, NY
10004**

**Re: Index No. 0150575/2020
GERALDI, JOSEPH
-vs- DOLLAR TREE STORE**

Dear Sir/Madam:

Please be advised that an NON-APPEARANCE PRELIMINARY CONFERENCE has been scheduled with regard to the above captioned matter and you are directed to:

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Thank you for your professionalism and cooperation with this matter.

**Very truly yours
E. Thomas
Associate Court Clerk**

**Richmond Supreme Court
Justice Kim Dollard
IAS Part 4
26 Central Avenue, Courtroom 330
Staten Island, New York 10301
718 675-7840**

Dear Sir/Madam:

Please be advised that with regard to your Compliance Conference. On this First Compliance Conference date of October 26, 2020, Attorneys will not personally appear before the Court on this date nor will you receive an email to appear via Skype for Business. Attorneys shall only e-file a completed Discovery Stipulation to be So-Ordered. This rule only applies to the first Compliance Conference. Thereafter, the Court may notify attorneys to appear via Skype for Business.

**Very truly yours,
E. Thomas
Associate Court Clerk**

Judge Kim Dollard - Acting Supreme Court Judge IAS Part 4

**Preliminary Conference Order
Pursuant to Part 202 of the Uniform Civil Rules
For the Supreme Court Richmond County
Judge Kim Dollard - Acting Supreme Court Judge**

Date: August 10, 2020

Index # 150575/2020

Compliance Conference shall be held
on 10/26/2020

JOSEPH GERALDI

Plaintiff(s)

Vs

Defendant(s)

DOLLAR TREE STORE AND DOLLAR TREE STORE, INC.

*** The Court reserves the right to edit any Proposed Preliminary Conference Order to conform with Section 202 of the Civil Rules for the Supreme Court of Richmond County.**

Further Compliance Conference dates will be set by the Court and will be reflected in the Signed E-Filed Order once it is reviewed.

Please use the "Additional Directives" page to outline any additional discovery to be exchanged within appropriate time frames.

- Plaintiff Attorney: Meredith Yevin
Skype for Business email address (required): myevin@kglawteam.com
- Defendant Attorney: Gary Smith
Skype for Business email address (required): gsmith@schnader.com

- Defendant Attorney: _____
Skype for Business email address (required): _____
- Defendant Attorney: _____
Skype for Business email address (required): _____
- Defendant Attorney: _____
Skype for Business email address (required): _____

It is hereby ordered that this action is assigned to Judge KIM DOLLARD and disclosure shall proceed as follows:

- (1) Insurance Coverage (CPLR 3101 (f)) - (* Must be exchanged no later than 45 days of the P.C. order)
If not already provided, shall be furnished by _____ Defendants
on or before 09/18/2020.
- (2) Bill of Particulars - (* Must be exchanged no later than 45 days of the P.C. order)
Bill of Particulars shall be served by _____ Plaintiff
on or before 8/14/2020.
- (3) Medical Reports and Authorizations - (* Must be exchanged no later than 45 days of the P.C. order)

Shall be served as follows:

AZs for all medical, pharmacy, employment, Medicare/

Medicaid, insurance, tax, and prior and
subsequent injuries to be served by 08/14/2020



- (4) Physical Examinations - (* Physical Examination shall be set for within 45 days of the Plaintiff's EBT. This date will not be a date certain depending upon the Doctor's availability).


(A) Examination of _____ Plaintiff
_____ with 45 days of Plaintiff's EBT
shall be held _____

(B) A copy of the physician's report shall be furnished to Plaintiff(s) within
60 days of the examination.

- (5) Depositions: (*Depositions shall be scheduled no later than 120 days of the P.C. order)

[illegible]

(6) Other Disclosures: (*All other disclosures should be made pursuant to the CPLR).

- (A) All parties on or before 09/18/2020, shall exchange names and addresses of all eyewitnesses and notice witnesses, statements of opposing parties, and photographs, or, if none.
- (B) Authorizations for Plaintiff(s) employment records for the period three years prior to the date of loss shall be furnished on or before 09/18/220.
- (C) Demand for discovery and inspection shall be served by Plaintiff on or before 08/14/2020.
- (D) Accident reports prepared in the regular course of business shall be exchanged pursuant to CPLR 3101 (g) by 09/18/2020.
- (E) Plaintiff shall provide authorizations for the following collateral source providers (CPLR) 4545 within 45 days.
- (F) Other Disclosure:
Plaintiff to provide the following by 08/14/2020:
All pleadings, discovery, statements, deposition transcripts, transcripts from examinations under oath, Bills of Particulars, and authorizations for all related medical, health, pharmacy and insurance records related to Plaintiff's pending action in the Supreme Court, Richmond County, Index No. 152198/2017.
- 

- (7) Impleader Motion(s) or Motion(s) to amend the Pleadings or to Add Parties:

Shall be made within 45 days of completion of EBT's.

- (8) Motions:

(A) Any dispositive motion(s) (CPLR 3211 and 3212) shall be made within 60 days of the filing of the Note of Issue unless the Court directs otherwise; and

(B) No motion(s) regarding disclosure may be brought before the first compliance conference without permission of the Court. If such a motion is authorized by the Court, the Attorney's Affirmation must state that the Court has granted permission for the application.

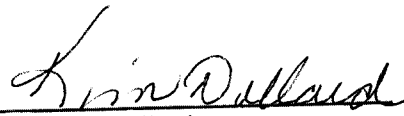
- (9) The parties may not adjourn a compliance conference without the Court's consent.

- (10) Failure to comply with any of these directives may result in the imposition of costs and/or sanctions or other action authorized by law, including preclusion or striking of pleadings.

Dated:

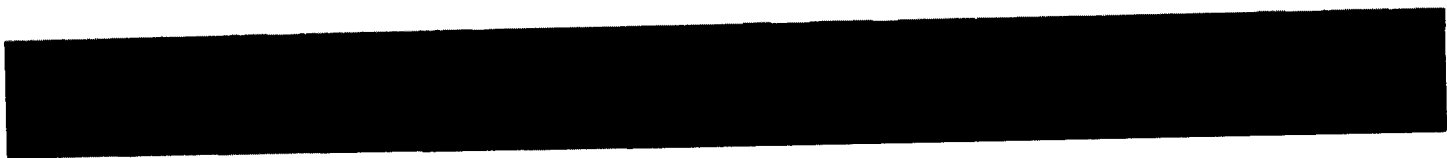
8/14/2020

So- Ordered



Judge Kim Dollard

Acting Supreme Court Judge



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND-----X
JOSEPH GERALDI,

Index No.: 150575/2020

Plaintiff,

STIPULATION

-against-

DOLLAR TREE STORE AND DOLLAR TREE
STORE, INC.,Defendant(s)
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned,
counsel for the respective parties in this action, that:

1. Plaintiff shall provide complete responses to the Preliminary Conference Order by
November 13, 2020.

2. Plaintiff shall provide all trial documents related to his action in the Supreme
Court, Richmond County, Index No.: 152198/2017 by November 13, 2020.

3. Plaintiff's deposition shall take place on or before January 28, 2021.

4. Defendant's deposition shall take place on or before February 4, 2021.

5. Physical examination of plaintiff shall take place within 45 days of Plaintiff's
deposition and the report shall be furnished to Plaintiff within 60 days of the examination.

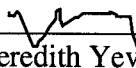
6. Motions to amend the pleadings or add parties shall be made within 45 days of the
completion of depositions.

7. Further compliance conference is scheduled for
February 25, 2021, at 10:30AM via Microsoft Teams.

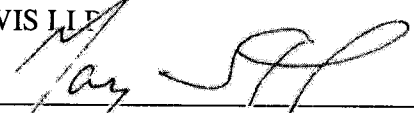
IT IS FURTHER STIPULATED AND AGREED that this stipulation may be signed in counterparts, and signatures transmitted by facsimile, email, or other electronic means shall have the same force and effect as original signatures.

Dated: October 29, 2020

KRENTSEL & GUZMAN, LLP

By: 
Meredith Yevin, Esq.
17 Battery Pl., Ste 604
New York, New York 10004
Attorneys for Plaintiff

SCHNADER HARRISON SEGAL &
LEWIS LLP

By: 
Gary N. Smith, Esq.
140 Broadway, Suite 3100
New York, New York 10005-1001
(212) 973-8000
Attorneys for Defendant
Defendant Dollar Tree Stores, Inc.

So Ordered


~~Hon. Orlando Marrazzo, Jr.~~
Hon. Orlando Marrazzo, Jr.
Supreme Court Justice

On behalf of Judge Dollar.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

**STATEMENT OF AUTHORIZATION FOR
ELECTRONIC FILING
(Managing Attorney Authorizing Filing Agent Entity)**

I, Steven Krentsel, Esq., (Attorney Registration No. 28134) am the managing attorney of/attorney in charge of e-filing for Krentsel & Guzman, LLP (the "Firm"). I hereby acknowledge and represent that the attorneys in the Firm who are authorized users of the New York State Electronic Filing System ("NYSCEF") hereby authorize any employee of Roz Silverstein & Associates who possesses a NYSCEF filing agent ID to file documents on their behalf and at their direction, as a filing agent, in any e-filed matter in which they are counsel of record through NYSCEF, as provided in Section 202.5-b of the Uniform Rules for the Trial Courts.

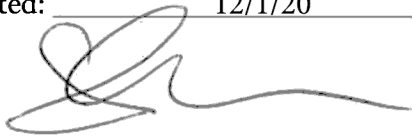
This authorization extends to any consensual matter in which these attorneys have previously consented to e-filing or may hereafter consent, to any mandatory matter in which they have recorded their representation, and to any matter in which they authorize the filing agent to record consent or representation in the NYSCEF system.

This authorization extends to any and all documents these attorneys generate and submit to the filing agent for filing in any such matter. This authorization, posted once on the NYSCEF website as to each matter in which these attorneys are counsel of record, shall be deemed to accompany any document in that matter filed by the filing agent on behalf of these attorneys.

This authorization also extends to matters of payment, which the filing agent may make either by debiting an account the filing agent maintains with the County Clerk of any authorized e-filing county or by debiting an account the Firm maintains with the County Clerk of any authorized e-filing county.

This authorization regarding this filing agent shall continue until the Firm revokes the authorization in writing on a prescribed form delivered to the E-Filing Resource Center.

Dated: 12/1/20



Signature

Steven Krentsel, Esq.

Print Name

New York, NY 10004

City, State and Zip Code

212-227-2900

Phone

Krentsel & Guzman, LLP

Firm/Department

skrentsel@kglawteam.com

E-Mail Address

17 Battery Place, Suite 604

Street Address

(6/6/13)